IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3268 OF 2006

Munna @ Anwar Ahamad Shaikh Applicant
versus
The State of Maharashtra Respondent

R.D.Suryawanshi for applicant.
S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th September 2006

PC :

1. This application was placed before me on 4th September 2006 and it was adjourned till 12th September 2006. On 5th September 2006 Shri Taide had sought leave to intervene on behalf of original complainant. He sought time to place on record materials after his Vakalatnama is duly filed.

2. The matter was placed yesterday but Shri Taide was absent and therefore, it was placed today.

3. Yesterday Shri Purwant - learned advocate for

the applicant invited my attention to the fact that the applicant is an accused in connection with CR No.I-132/2006 registered with Hill Line Police Station, Ulhas Nagar for offences punishable under sections 436 and 114 of IPC..

4. Shri Purwant points out that main accused Ashok Ishwardas Chailani, who was earlier arrested in connection with the same CR, has been enlarged on bail by the Trial Court. Therefore, on grounds of parity, the present applicant be also enlarged on bail.

5. In his submission, the complainant who is owner of a shop, Krishna Apparels, had lodged subject FIR complaining that on 27th-28th July 2006 the present applicant and other accused came with the plastic can and pipe. They inserted petrol in the shop and set the same on fire causing loss of about Rs.5.00 lakh. The complaint is that this act was done because the complainant refused to supply the goods on credit to the co-accused Ashok.

6. Shri Purwant invited my attention to the statement of one Ali Hasan Jahur Hasan Shaikh who is adjacent shop owner and that of the original

complainant. Both accused have said that the shop was set on fire. The role of the applicant and that of the co-accused Ashok in the act being identical and the co-accused having been enlarged on bail, the present application deserves to be granted.

7. The fact that the co-accused has been enlarged on bail and that his role so also that of the applicant being identical is a fact not denied even by the learned APP.. Hence, following order.

8. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.I-132/206 registered with Hill Line Police Station, Ulhas Nagar subject to furnishing a personal bond of Rs.15,000/- (Rs.Fifteen thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall furnish proof of his residence where he proposes to reside after bail and during pendency of trial, to the Investigating Officer, before he is released on bail. He shall not change his residence without giving prior intimation to the Investigating Officer;

(iii) The applicant shall report to the concerned Investigating Officer once in a fortnight till conclusion of trial;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any

prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(v) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vi) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)